



**City of Greenville**  
**Notice of Administrative Decision for Application # CU 15-798**

*This public notice is mailed to property owners within 300 feet of the subject property*

**Property Address:** 21 E WASHINGTON ST (TMS#: 000100-05-01400)

**Application:** Conditional Use Permit for a restaurant with a walk-up window to be 'Open after Midnight' in the 'C-4', *Central Business*, District

**Decision:** Approved with Conditions

**Conditions:**

- 1) The Conditional Use Permit is limited to the Applicant, Will Smith, as the owner and operator of the business known as "Ventana Magica Tacos," and is not transferrable.
- 2) Operation of the facility shall substantially conform to the information provided by the Applicant to the Technical Advisory Committee and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Conditional Use Permit.
- 3) The walk-up window is permitted to operate past midnight on Fridays and Saturdays, no later than 2:30 AM.
- 4) The operation of the walk-up window shall not become a nuisance and/or impede the orderly flow of pedestrian traffic on N Brown Street and E. Washington Street.
- 5) The City and the Applicant shall enter into a separately prepared memorandum of understanding that sets forth the conditions that apply to the operation of the walk-up window adjacent to public property.
- 6) An air-rights encroachment permit is required for signs or portions of the building that project over public property.
- 7) A copy of the Conditional Use Permit shall be maintained with other posted occupancy information on the premises and made available for code enforcement inspections.

By application filed November 24, 2015 the Applicant, Will Smith with Ventana Magica Tacos, LLC requested a Conditional Use pursuant to Section 19-2.3.6, *Conditional Use Permit*; Section 19-4.1, *Table of Uses*; and Section 19-4.3.3, *Use Specific Standards*, of the Greenville City Code to operate a restaurant after midnight in the C-4, Central Business District. Notice was mailed to property owners within 300 feet of the subject property on December 1, 2015. The Applicant met with the Technical Advisory Committee on September 14, 2015.

**Findings:**

- The Technical Advisory Committee made sufficient findings to recommend approval of the permit, subject to the conditions enumerated above and the Report of the Technical Advisory Committee.
- The use complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of Section 19-4.3, *Use Specific Standards*.
- The infrastructure capacity is adequate to serve the conditional use.

- The use complies with the standards for granting a special exception:

The use is consistent with the comprehensive plan. The Future Land Use Map of the City's comprehensive plan designates the area as "Mixed-Use City Center."

The use is compatible with the character of surrounding lands. The use is located in the C-4, Central Business District, which encourages pedestrian-oriented development including specialty and neighborhood-oriented retail. Surrounding lands provide a mix of office, service, retail, entertainment, civic, and residential uses, including several late-night establishments. There are residential apartments across E Washington Street, which would be most impacted by additional late-night activity in the area; however, the walk-up window will only operate 45 minutes longer than the interior restaurant at the same location. The conditions of the permit are intended to address impacts and maintain compatibility with the character of the neighborhood.

Adverse impacts associated with the design of the use, which may include noise, odors, or late-night loitering in surrounding neighborhoods are intended to be addressed by the conditions enumerated above.

#### **Appeal:**

Any person believing that the administrator erred in its decision has the right to appeal the decision to the City of Greenville Board of Zoning Appeals. The appeal form and fee must be submitted to the Planning and Development office within 10 business days after the decision is made, and must state the reasons he or she believes the decision is illegal, either in whole or in part.

#### **Conditional Use Permit:**

The Conditional Use Permit issued to the Applicant is required to be maintained with other posted occupancy information on the premises, available to city inspectors.

#### **General Information:**

The appropriate responsible party must obtain any necessary permits, certificates and/or licenses from the City of Greenville Permits and Licenses Office before beginning work, occupying premises, or starting a business.

Failure to comply with any conditions prescribed in conformity with the City of Greenville Code of Ordinances (Land Management), when made part of the terms under which this Conditional Use is granted, shall be deemed a violation of the City Code, punishable under penalties established by City Code.



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Nathalie Schmidt, AICP  
Development Planner

12/18/2015

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Date



**CONDITIONAL USE PERMIT  
CITY OF GREENVILLE, SOUTH CAROLINA**

*A copy of this permit must be kept on premises at all times, available to City inspectors. For more information, contact the Planning and Development office at City Hall, 864.467.4476.*

This Conditional Use Permit (CU 15-798) authorizes the following zoning activity, subject to the conditions listed below, as regulated in the Greenville City Code, Sections 19-2.3.6, *Conditional Use Permit*, 19-4.1, *Table of Uses*, and 19-4.3.3, *Use Specific Standards*:

**Restaurant Walk-Up Window Operating After Midnight**

Property location: **21 E Washington Street (TMS#: 000100-05-01400);**  
**Walk-up window facing N Brown Street**

**Conditions:**

- 1) The Conditional Use Permit is limited to the Applicant, Will Smith, as the owner and operator of the business known as "Ventana Magica Tacos," and is not transferrable.
- 2) Operation of the facility shall substantially conform to the information provided by the Applicant to the Technical Advisory Committee and the content of the application. Modification of the facility's operation shall require the Applicant to seek a modification of the Conditional Use Permit.
- 3) The walk-up window is permitted to operate past midnight on Fridays and Saturdays, no later than 2:30 AM.
- 4) The operation of the walk-up window shall not become a nuisance and/or impede the orderly flow of pedestrian traffic on N Brown Street and E. Washington Street.
- 5) The City and the Applicant shall enter into a separately prepared memorandum of understanding that sets forth the conditions that apply to the operation of the walk-up window adjacent to public property.
- 6) An air-rights encroachment permit is required for signs or portions of the building that project over public property.
- 7) A copy of the Conditional Use Permit shall be maintained with other posted occupancy information on the premises and made available for code enforcement inspections.

*Nathali Schmidt*

ISSUED THIS 18th DAY OF December, 2015.

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PLANNING & DEVELOPMENT DIVISION



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**In re: Magic Tacos, Operation of a Walk Up Window**

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**Memorandum of Understanding**

Between

Will Smith, Ventana Magica Tacos, LLC (Magic Tacos)

and

City of Greenville (City)

This Memorandum of Understanding (MOU) sets forth the terms and understanding between Magic Tacos and City regarding the operation of Magic Tacos late night food service, including a walk up window on Brown Street, at 21 E. Washington Street.

**Background:**

Magic Taco has indicated its desire to operate a late night food service, including a walk up window on Brown Street, at 21 E. Washington Street between the hours of 10:30 p.m. and 2:30 a.m. on Friday and Saturday nights throughout the year.

Magic Taco will operate out of the restaurant, 21 East, which currently operates at 21 E. Washington Street.

Magic Taco will offer its patrons an opportunity to come into its establishment between the hours of 10:30 p.m. and 1:45 a.m. to purchase from a menu of tacos and nachos.

Magic Taco will also offer its patrons the opportunity to purchase tacos and nachos from a walk up window that fronts Brown Street between the hours of 10:30 p.m. and 2:30 a.m.

**Purpose:**

Because there are currently no city ordinances that apply to walk up windows and because there is the potential for the operation of a walk up window to disrupt or impede the orderly flow of pedestrian traffic and/or create a nuisance (i.e. disorderly conduct, noise, litter, and the like) it is the intent of both parties to set forth in this MOU the expectations that are to be met by Magic Taco with regard to the operation of its business.

**Understanding:**

Magic Taco understands and agrees that its Conditional Use Permit (granted to operate past midnight in the Central Business District) and its City of Greenville Business License, each may be revoked should its operations become a nuisance as a result of disorderly conduct, noise, litter, and the like attributable to the operation of its business.

City, in its sole discretion, shall have the right to initiate proceedings to revoke Magic Tacos Conditional Use Permit and/or its Business License should it determine that the operation of the walk up window is creating a nuisance as described previously in this MOU.

Nothing in this MOU shall infringe upon City's right to initiate proceedings to revoke Magic Tacos Conditional Use Permit or Business License for any other reason permitted by the City of Greenville's Code of Ordinances.

**Duration:**

This MOU may be modified by mutual consent of the parties. This MOU shall become effective upon signatures below and will remain in effect until modified or terminated by mutual consent.

**Contact Information:**

Will Smith  
Magic Tacos  
Telephone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Michael Kerski  
Director, Planning and Zoning  
City of Greenville  
Telephone: 864.467.4476  
E-mail: mkerski@greenville-sc.gov

**Signatures:**

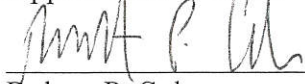
\_\_\_\_\_  
Will Smith  
Magic Tacos

Date \_\_\_\_\_ :

  
Michael Kerski  
Planning and Zoning Director  
City of Greenville

Date 12/17/15

Approved as to form:



Robert P. Coler  
Assistant City Attorney  
City of Greenville

Date 12/11/15

Application # <u>CU 15-798</u>	Fees Paid _____
Date Received: <u>11-24-2015</u>	Accepted by _____
Date deemed complete _____	App Deny Conditions _____



## APPLICATION FOR CONDITIONAL USE CITY OF GREENVILLE, SOUTH CAROLINA

**APPLICANT / PERMITTEE\*:** Will Smith Owner/Ventana Magica Tacos LLC  
\*Operator of the proposed use; permit may be limited to this entity.  
 Name Title / Organization

**APPLICANT'S REPRESENTATIVE:** \_\_\_\_\_  
(Optional) Name Title / Organization

MAILING ADDRESS: 1761 Abner Creek Rd Greer, SC 29651  
 PHONE: 864.569.4413 EMAIL: facowindow@gmail.com

**PROPERTY OWNER:** Jerry Ng / Ng Properties, LLC  
 MAILING ADDRESS: 2372 Roper Mountain Rd Simpsonville, SC 29681  
 PHONE: 864.320.8808 EMAIL: jerry.ng@itelcomm.com

### PROPERTY INFORMATION

STREET ADDRESS: 21 E. Washington St Greenville, SC 29601  
 TAX PARCEL #: 0001000501400 ACREAGE: .041 ZONING DESIGNATION: 501

### REQUEST

Refer to Article 19-4, Use Regulations, of the Land Management Ordinance ([www.municode.com/library/](http://www.municode.com/library/))  
 DESCRIPTION OF PROPOSED LAND USE: Existing Restaurant. ~~Will~~ Walk-up window will be used to sell food to customers outside on the sidewalk.  
Fri-Sat 10:30pm until 2:30am

### INSTRUCTIONS

1. The application and fee, **made payable to the City of Greenville**, must be submitted to the planning and development office during normal business hours. check provided
2. The applicant/owner must respond to the "standards" questions on page 2 of this application (you must answer "why" you believe the application meets the tests for the granting of a conditional use). See also **Section 19-2.3.6, Conditional Use Permit**, for additional information. You may attach a separate sheet addressing these questions. Separate sheet
3. For conditional use requests for nightclubs/bars, event venues, or businesses operating after midnight, the applicant must also submit the **Zoning Compliance Application for Establishments Serving Beer, Wine, or Liquor**. next folder



4. You must attach a scaled drawing of the property that reflects, at a minimum, the following: (a) property lines, existing buildings, and other relevant site improvements; (b) the nature (and dimensions) of the proposed development (activity); (c) existing buildings and other relevant site improvements on adjacent properties; and, (d) topographic, natural features, etc. relevant to the requested special exception. (See photos)

5. You must attach the required application fee: \$250.00

6. The administrator will review the application for "sufficiency" pursuant to **Section 19-2.2.6, Determination of Sufficiency**, prior to routing the application for staff review. If the application is determined to be "insufficient", the administrator will contact the applicant to request that the applicant resolve the deficiencies. **You are encouraged to schedule an application conference with a planner, who will review your application for "sufficiency" at the time it is submitted. Call (864) 467-4476 to schedule an appointment.**

7. **Please read carefully:** The applicant and property owner affirm that all information submitted with this application; including any/all supplemental information is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

In addition the applicant affirms that the applicant or someone acting on the applicant's behalf has made a reasonable effort to determine whether a deed or other document places one or more restrictions on the property that preclude or impede the intended use and has found no record of such a restriction.

If the planning office by separate inquiry determines that such a restriction exists, it shall notify the applicant and advise them to withdraw or modify the application in a timely manner, or act to have the restriction terminated or waived.

To that end, the applicant hereby affirms that the tract or parcel of land subject of the attached application is \_\_\_\_\_ or is not \_\_\_\_\_ restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the requested activity. \*

with [Signature] APPLICANT SIGNATURE  
11-6-15 DATE  
[Signature] PROPERTY OWNER SIGNATURE  
11-6-2015 DATE

**Applicant Response To  
Section 19-2.3.6(D), Standards – Conditional Use Permit**

(You may attach a separate sheet)

1. Describe the ways in which the proposal complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of **Section 19-4.3, Use Specific Standards**.

See Attachments

2. Describe the ways in which the infrastructure (roads, potable water, sewerage, schools, parks, police, fire, and emergency facilities) capacity is adequate to serve the proposed conditional use.

See Attachments



## Applicant Response To Section 19.2.3.6(D), Standards - Conditional Use Permit

### 1. Describe the ways in which the proposal complies with the goals, policies, and standards of the ordinance and, in particular, with the standards of Section 19-4.3, Use Specific Standards

#### 19-4.3.3.

##### *Commercial uses.*

##### (A)

##### *General.*

##### (1)

Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection [19-6.5](#).

##### (2)

Commercial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:

##### (a)

The standards for granting a special exception permit.

**Currently obtaining with this conditional use application**

##### (b)

On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.

**Customers will not be in the direct vicinity of any residential structures.**

##### (c)

Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.

**Waste receptacles are picked up from adjoining alley during normal business hours throughout the week**

##### (d)

Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.

**We will take full responsibility for enforcing this Ordinance. Any required literature will be posted at the city's request.**

(e)

Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.

**There will be no exterior sound amplification**

(f)

Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.

**Not Applicable**

(g)

Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.

**All customers are escorted out of the premises beginning at 1:45am by personal security**

(h)

The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

**All required permits will be available at all times**

(B)

(C)

*Eating establishments.*

(1)

*General.*

(a)

Eating establishments that encroach onto public property shall comply with the city's outdoor displays and cafes ordinance (see [chapter 8](#), article VIII, of this Code).

## • ARTICLE VIII. - STREET VENDORS

• **Sec. 8-267. - Prohibited acts.**

No vendor shall:

(3)

Sell food or beverages for immediate consumption, unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.

**We will provide a litter receptacle that will be taken inside after close of business.**

(4)

Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him.

**Any waste produced by our customers will be removed from the public areas at the close of business.**

- **Customers will be required to form a line down the existing sidewalk so as to not block the street.**
  - **Customers will not be allowed inside of the facility after 2:00 am. Food sales will be completed before 3:00 am of each night.**
  - **Customers will be asked to leave the area after transaction is complete.**
  - **Customers will have a litter receptacle to dispose of waste**
- 

**2. Describe the ways in which the infrastructure (roads, potable water, sewerage, schools, parks, police, fire and emergency facilities) capacity is adequate to serve the proposed conditional use**



- (a) Roads - Road usage is at a minimal for customers. The walk up window allows customers to use sidewalks to come to the establishment. Customers that wish to drive to the area may use the existing street parking. There are no parking restrictions, for the spaces, during our business hours.
- (b) Potable water - Potable water is available within the structure for customers. It will be given by request.
- (c) sewerage - Restrooms are available within the facility and can be used before 2:00 am. Disposal of water for hand washing area is contained in a receptacle and disposed of after close of business.
- (d) Schools - There are no schools in the immediate area and will not be affected.
- (e) Parks - There are no schools in the immediate area and will not be affected.
- (f) Police, Fire, and Emergency Facilities - These facilities are located in the downtown area. At any given time there should be no more than 30 customers outside of the building. This doesn't need any more services than what's currently provided by Greenville City.

Please call  
Will Smith @ 864.569.4413  
for any questions.

Thanks





Sign (From ground)  
↑ 9' 11" ↓

Window width  
← 38.5" →

← 5' 4" →  
Alley to window

From Building  
to Sign  
↗ 29"

↗ 4' 6" ↘  
sidewalk

Brown St.  
← →





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**ZONING COMPLIANCE APPLICATION**  
**ESTABLISHMENTS SERVING BEER, WINE, OR LIQUOR**

William Smith  
APPLICANT  
1761 Abner Creek Rd  
MAILING ADDRESS 1  
Greer, SC 29651  
MAILING ADDRESS 2  
facowindow@gmail.com  
EMAIL  
864.569.4413  
PHONE  
Will Smith 11-8-15  
SIGNATURE OF APPLICANT DATE

Jerry Ng / Ng Properties, LLC  
PROPERTY OWNER  
2372 Roper Mountain Rd  
MAILING ADDRESS 1  
Simpsonville, SC 29681  
MAILING ADDRESS 2  
jerry.ng@telcomm.com  
EMAIL  
864.320.8808  
PHONE  
[Signature] 11-8-2015  
SIGNATURE OF OWNER OR AGENT DATE

**PROPERTY INFORMATION**

21 E. Washington St.  
ADDRESS  
0001000501400  
TMS #

Greenville, SC 29601  
D501 Downtown  
ZONING DISTRICT DESIGNATION

**DESCRIPTION OF PROPOSED USE**

*Provide details for each of the following, as applicable:*

**OPERATING PLAN.**

- ☒ TYPE OF USE (RESTAURANT, NIGHTCLUB, EVENT VENUE, ETC.)
- ☒ DAYS AND HOURS OF OPERATION
- ☒ STAFFING SCHEDULE
- ☒ KITCHEN EQUIPMENT SCHEDULE
- ☒ MENU AND HOURS OF FOOD SERVICE
- ☒ PARKING FOR CUSTOMERS AND EMPLOYEES
- ☒ DESIGNATED SMOKING AREA
- ☒ TYPE OF ENTERTAINMENT AND DURATION
- ☒ CLOSING / "LAST CALL" PROCEDURES

**SECURITY PROCEDURES.**

- ☒ NUMBER AND TYPE OF DESIGNATED SECURITY STAFF
- ☒ TRAINING / CERTIFICATION OF STAFF
- ☒ SPECIFIC DUTIES / RESPONSIBILITIES OF STAFF
- ☒ ENTRY / EXIT / RE-ENTRY PROCEDURES
- ☒ CROWD MANAGEMENT
- ☒ CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

**SEATING PLAN.**

- 1) PROVIDE A FLOOR PLAN, DRAWN TO SCALE, BY A REGISTERED SOUTH CAROLINA ARCHITECT. THE PLAN MUST DEMONSTRATE THE PROPOSED OCCUPANCY WITH CALCULATIONS BASED ON THE CURRENT ADOPTED BUILDING CODE. *Cert of Occupancy included*
- 2) SCHEDULE A FEASIBILITY INSPECTION OF THE PROPERTY: 864.467.4457

**BUSINESS PLAN.**

- 1) BUSINESS PLAN SUMMARY: TARGET AUDIENCE, THEME, OBJECTIVES / GOALS
- 2) PROJECTED REVENUE: % ALCOHOL VS. FOOD SALES
- 3) FEES FOR ENTRY / MEMBERSHIP / ENTERTAINMENT
- 4) STATUS OF CITY BUSINESS LICENSE APPLICATION
- 5) STATUS OF SCDHEC 'RETAIL FOOD ESTABLISHMENT' PERMIT, IF APPLICABLE
- 6) STATUS OF ABL-901 APPLICATION TO SC DEPARTMENT OF REVENUE
- 7) PROVIDE DOCUMENTATION THAT SLED REQUIREMENTS HAVE BEEN MET

*VMT, LLC not Required to have security due to NOT selling alcohol*



Provide a response for each of the following:

## **1. Describe the ways in which the proposed use is consistent with the comprehensive plan.**

The comprehensive plan is to sell food from the hours of 10:30 pm to 2:30 am on Friday and Saturday nights. Being able to sell food past 12:00 am is vital to this business. The business is unable to sustain without being open past midnight.

## **2. Describe the ways in the request will comply with the standards in section 19-4.3**

19-4.3.3.

*Commercial uses.*

(A)

*General.*

(1)

Design standards. Except where specifically exempted by this chapter, nonresidential uses shall comply with the standards in subsection [19-6.5](#).

(2)

Commercial uses located within the OD, C-1, C-2, C-4, RDV, and PD districts open to the public between the hours of 12 midnight and 5:00 a.m. require a special exception permit, except when a conditional use permit is required, and, at a minimum, are subject to the following standards:

(a)

The standards for granting a special exception permit.

**Currently obtaining with this conditional use application**

(b)

On-site traffic shall be directed away from abutting residential uses or residential districts between the hours of 12:00 midnight and 5:00 a.m.

**Customers will not be in the direct vicinity of any residential structures.**

(c)

Delivery, waste collection, and similar commercial traffic is prohibited between the hours of 12:00 midnight and 5:00 a.m.

**Waste receptacles are picked up from adjoining alley during normal business hours throughout the week**

(d)

Loitering, solicitation, and disorderly conduct is prohibited at all times; rules consistent with the provisions of the Greenville Code of Ordinances shall be posted in conspicuous locations and shall be enforced by the proprietors.

**We will take full responsibility for enforcing this Ordinance. Any required literature will be posted at the city's request.**

(e)

Exterior sound amplification is prohibited except in areas specifically authorized on the approved site plan and/or floor plan; all amplified sound shall be directed inward toward the facility and away from any adjoining use or public property. No exterior amplified sound shall be permitted between the hours of 10:00 p.m. and 11:00 a.m. Interior sound amplification shall be located only as reflected on an approved floor plan and shall be directed away from the principal entrance or directed toward the interior of the building.

**There will be no exterior sound amplification**

(f)

Drive-through facilities shall be closed between the hours of 12:00 midnight and 5:00 a.m.

**Not Applicable**

(g)

Exterior doors shall remain closed except to provide ingress and egress between the hours of 10:00 p.m. and 5:00 a.m.

**All customers are escorted out of the premises beginning at 1:45am by personal security**

(h)

The required permit, either special exception permit or conditional use permit, shall be limited to the applicant and shall not be transferrable. Copy of the special exception permit or the conditional use permit shall be maintained on the premises with other related inspection, licensing, and occupancy information.

**All required permits will be available at all times**

(B)

(C)

*Eating establishments.*

(1)

*General.*

(a)

Eating establishments that encroach onto public property shall comply with the city's outdoor displays and cafes ordinance (see chapter 8, article VIII, of this Code).

- **ARTICLE VIII. - STREET VENDORS**

- **Sec. 8-267. - Prohibited acts.**

No vendor shall:

(3)

Sell food or beverages for immediate consumption, unless he has available for public use his own or a public litter receptacle which is available for his patrons' use.

**We will provide a litter receptacle that will be taken inside after close of business.**

(4)

Leave any location without first picking up, removing and disposing of all trash or refuse remaining from sales made by him.

**Any waste produced by our customers will be removed from the public areas at the close of business.**

- 
- **Customers will be required to form a line down the existing sidewalk so as to not block the street.**
  - **Customers will not be allowed inside of the facility after 2:00 am. Food sales will be completed before 3:00 am of each night.**
  - **Customers will be asked to leave the area after transaction is complete.**
  - **Customers will have a litter receptacle to dispose of waste**

**3. Describe the ways in which the request is appropriate for its location and is compatible with the character of existing and permitted uses of surrounding lands and will not reduce the property values thereof.**



This business is operated within an existing, city approved and licensed, business. Day to day operations will be carried out inside and through the existing "walk-up window". No part of this business is conducted at/on adjoining properties.. Upon this business being deemed as a nuisance or potentially decreasing property values the business can and will easily make necessary changes to accommodate those effected.

**4. Describe the ways in which the request will minimize adverse effects on adjacent lands including: visual impacts; service delivery; parking and loading; odors; noise; glare; and vibration. Describe the ways in which the request will not create a nuisance.**

Adjacent Lands

- Visual Impacts - After closing, there is little visible knowledge of its existence by means of proper waste disposal, very few visible pieces of advertising literature/menus, and a sign that is easily removable with little damage to the structure (holes for fastening hardware to bracket)
- Service Delivery - Business Operating times do not interfere with deliveries due to the times of operation (10:30 PM until 2:30 AM). The loading zone directly outside of the window is used during the normal business hours on the weekdays.
- Parking and Loading - Parking is prohibited directly outside of the window. This is a loading zone. As stated above, the loading zone is used primarily during normal business hours; which VMT, LLC does not interfere with.
- Odors - All odor causing waste is disposed of in waste receptacles at the end of the night. Any trash/food on the ground is gathered and disposed of properly. The business itself is a food establishment thus creating an odor (which in most people's opinions is pleasant). The odor can be smelled at times when the "walk-up window" is open. It automatically closes and the odor ceases to permeate the structure.
- Noise - There is no exterior noise coming from the business by means of exterior amplification. Noises are limited to residual noise from 21 East (which is within the legal limit) and normal volume conversations. It is believed that any noises that arise from this business will be well within the legal limit (as found in Chapter 5 - Noise Ordinance Sec. 12-5-1)
- Glare - This business operates at night. There is no natural glare at the time of operation. The business will use a Greenville City approved sign. There is no residential units within the immediate vicinity and the business operates on the street level (most residential units in the Downtown area are 2nd level and up) so as to not have an adverse effect from our signage-.
- Vibration - This business uses no equipment that creates vibrations that can be detected from the exterior of the building. The only vibrations would be limited to a small refrigerator located within the interior.

### Operating Plan

1. Type of Use - Late night Restaurant (Walk up window and Food sales inside of 21 East)
2. Days and Hours of Operation - Friday and Saturday 10:30 PM - 2:30 AM (at window) 10:30 - 1:45) (inside)
3. Staff Schedule - 1 to 2 employees operate stand. Prep work from 11:00 am until around 2:00 PM on Friday and Saturday. Food Prep, Serving, and break down from 8:00 PM until 3:00 AM Friday/Saturday Night and Saturday/Sunday Night.
4. Kitchen Equipment Schedule - Sous Vide chicken for 8 hours (12:00 pm until 8:00 PM on Friday and Saturday. Slow Cook Pork (same hours as chicken)
5. Menu and Hours of Food Service - See separate sheet
6. Parking for Customers and Employees - Everyone is responsible for parking in the downtown area at their own expense.
7. Designated Smoking Area (Cigarette Butt Receptacles are available outside of the premises provided by the City of Greenville)
8. Type of Entertainment and Duration (Night Club inside - 21 East Bar and Grille)
9. Closing/ "Last Call" Procedures - Interior is closed at 1:45 and personal security escorts all customers off premises. Exterior - Window close at 2:30 am. Window locked and Large wooden partition is slid on a track in front of the window.

### Security Procedures

1. Number and Type of Designated Security Staff - personal security is provided on the interior.
2. Training/Certification of Staff - Head Chef of 21 East oversees preparation within the kitchen. Any workers at the window adhere to specific instructions and regulations.
3. Specific Duties/ Responsibilities of Staff - Window worker is responsible for set up, sales, and break down (Cleaning and proper food storage)
4. Entry/Exit/Re-Entry Procedures - Interior - Customers are checked for age at the front entrance by personal security. Exterior - Sidewalk access for customers
5. Crowd Management - Interior - Customers form a line at inside counter. Exterior - Customers form a line along side the building along the sidewalk.
6. Crime Prevention through Environmental Design. - Well lit areas on Brown Street as well as the interior. Window can quickly be closed and locked as well as a wooden partition slides on a track in front of the door.

-Ventana Magica Tacos, LLC does not employ personal security. Security is not necessary due to not selling alcohol.

### Seating Plan

1. Seating is provided inside of the restaurant. Customers may choose to sit at any of the existing tables or bar area.
2. Scheduled inspection - We will schedule an inspection upon request if further information is required. Permit is to use outside window and inside facility which is already in use by 21 East, LLC.

### Business Plan



1. Business Plan Summary -

- Target Audience (anyone participating in Downtown Greenville's night life)
- Theme - Taco Food Truck inspired. Fast, hot, and fresh food.
- Objectives/Goals - To provide food services to Greenville's Late Night crowd. Give people a chance to have food before heading home. To provide a late night food spot for surrounding business' 3rd shift employees (Hospital Employees, Service Industry Employees, Uber drivers, Law Enforcement, and etc)

2. Projected Revenue

- % Alcohol Vs Food Sales - Food sales are projected to be 100% of sales. VMT, LLC window doesn't provide alcohol inside or outside.

3. Fees for Entry/Membership/Entertainment - There is no fee to come inside or outside of the facility

4. Status of City Business License Application - Active License under Ventana Magica Tacos, LLC (License # - 15 00038175)

5. Status of SCDEHEC - The restaurant currently holds an "A" rated DEHEC rating. Pending inspection for VMT, LLC. Application submitted on 11/17/15 and \$60 fee paid (see receipt in packet)

6. Status of Abl-901 Application to SC Department of Revenue - .33. *Applied - see Attachment*

7. Provide Documentation that Sled Requirements have been met. - 21 East LLC complies with all SLED requirements and has documentation that can be provided. SLED approval isn't required for VMT, LLC due to no alcohol sales as stated by SLED representative. Please contact me if further information is required.